

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JENNY NEWTON, )  
                    )  
Plaintiff,        )  
                    )  
vs.                ) Case No. 3:23-cv-3790-DWD  
                    )  
COMMISSIONER OF SOCIAL     )  
SECURITY,          )  
                    )  
Defendant.        )

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is Plaintiff's Motion and Affidavit to Proceed in the District Court Without Prepaying Fees or Costs (Doc. 4). Such a motion may be granted if Plaintiff proves indigence by submitting an affidavit that includes a statement of her assets and shows she is unable to pay fees or security. *See* 28 U.S.C. § 1915(a)(1). The Court may deny the Motion and dismiss the action if it is frivolous or malicious, which means it does not make a rational legal or factual argument to support the claims. *See id.* § 1915(e)(2)(B)(i); *Ledbetter v. Comm'r of Social Security*, No. 20-912, 2020 WL 6395491, at \*1 (S.D. Ill. 2020).

Here, the Court is satisfied, based on Plaintiff's affidavit, that she is indigent. Further, the record does not suggest Plaintiff's claims are frivolous or malicious. Therefore, the Court **GRANTS** Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* without prepayment of fees and costs. The Court notes that it may dismiss this action, at any time, if it is deemed frivolous or malicious. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

If Plaintiff wishes for the United States Marshal to serve process, then Plaintiff shall provide the United States Marshal with a summons issued in this case, completed USM-285 forms, and sufficient copies of the Complaint (Doc. 1). The Court **DIRECTS** the United States Marshal, upon receipt of those documents, to serve a copy of the summons, Complaint, and this Memorandum & Order on Defendant, the United States Attorney for the Southern District of Illinois, and the Attorney General of the United States, pursuant to Federal Rule of Civil Procedure 4(c)(3) and in the manner specified by subsection (i)(1) & (2) of that Rule. Costs of service shall be borne by the United States.

**SO ORDERED.**

Dated: November 30, 2023

*s/ David W. Dugan*

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DAVID W. DUGAN  
United States District Judge